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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,054	07/03/2003	Greg Bjomberg	COS-97-046 C1	6698
25537	7590	06/28/2006	EXAMINER	
VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD SUITE 500 ARLINGTON, VA 22201-2909			ESCALANTE, OVIDIO	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 06/28/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/613,054

Applicant(s)

BJORNBERG ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-45 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ✓ 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement submitted on July 3, 2003 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

### *Double Patenting*

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-45 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-33 of U.S. Patent No. 6,647,111. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims in continuing application 10/613,054 are broader than those in US Patent 6,647,111. For example, claims 1, 18 and 15, of the application is the same as claims 1, 12 and 23 of the Patent except claim 1 of the application does not require defining a set of customer specific data for use

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as inputs into said set of service independent building blocks during execution. The rest of the independent claims of the application similarly correspond to the rest of the independent claims of the Patent.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,2,4,8,9,11 and 15 rejected under 35 U.S.C. 102(e) as being anticipated by Hammarström US Patent 6,044,142.

***Regarding claims 1,8 and 15***, Hammarström teaches a method and system for providing advanced interactive voice response services within a telecommunications network, (abstract; col. 2, lines 30-45, 59-65), comprising the steps of, means for and computer program product comprising a computer usable medium performing:

defining a reusable set of service-independent building blocks in a node of said telecommunications network, (fig. 1; col. 1, lines 64-col. 2, line 16; each service-independent building block provides a particular service i.e. is defined with a predetermined service/feature. The service-independent building blocks are stored in the intelligent network and will define what service to provide to a caller);

creating a customer application file using a customer-specified sequence of said service-independent building blocks in a server (service management system - col. 2, lines 10-14) of said

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telecommunications network, (col. 3, line 47-col. 4, line 10; a user creates a customer specific application using the service-independent building blocks based on information provided by the customer), wherein a set of customer specific data is defined for use as inputs into said set of service-independent building blocks, (col. 2, lines 10-16); and

retrieving said customer application file for execution by said node (Intelligent Network Node 12) from said server over a communications network, (fig. 1; col. 2, lines 10-16; the application is created in a service management system and is downloaded to the node for implementation).

***Regarding claims 2 and 9***, Hammarström, as applied to claims 1 and 8, teaches executing said customer application file on the node to handle a call, (col. 2, lines 8-10; col. 4, lines 6-10).

***Regarding claims 4 and 11***, Hammarström teaches wherein said creating step comprises the step of: using a sequence of at least one of the following of said set of service-independent building blocks: Call, (col. 2, lines 62-65); conference (col. 11, lines 18-19) and database, (and col. 1, lines 24-30).

6. Claims 16-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Havens US Patent 5,881,144.

***Regarding claims 16 and 21***, Havens teaches a method, system for supporting an interactive voice response service, (abstract), the method comprising:

receiving a message associated with a call invoking the IVR service, the message specifying an application identifier correspond to a customer application file providing a call plan, (col. 1, line 39-50; col. 4, line 50-col. 5, line 15); and

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retrieving the customer application file based on the application identifier, wherein the customer application file is created according to a plurality of reusable, application independent software modules, (col. 3, lines 44-59; col. 4, line 50-col. 5, line 15).

***Regarding claims 17 and 22,*** Havens teaches executing the customer application file to handle the call, (col. 1, lines 39-50; col. 2, lines 10-29).

***Regarding claims 18 and 23,*** Havens teaches wherein the module in the retrieving step receive customer specific data as inputs, (col. 3, lines 44-59; col. 4, line 50-col. 5, line 15).

***Regarding claim 19 and 25,*** Havens teaches wherein the modules in the retrieving step are associated with a plurality of primitives related to call handling, (col. 3, lines 44-59; col. 4, line 50-col. 5, line 15).

***Regarding claim 20 and 26,*** Havens teaches wherein a set of the primitives is bundles to support a common function, (col. 3, lines 44-59; col. 4, line 50-col. 5, line 15).

***Regarding claim 24,*** Havens teaches a database configured to store the customer specific data as a file, (col. 3, lines 44-59; col. 4, line 50-col. 5, line 15).

***Regarding claims 27 and 32,*** Havens teaches a method for supporting an interactive voice response (IVR) service, (abstract), the method comprising:

receiving a request for a customer application file that specifies a call plan, the request including an application identifier corresponding to the customer application file, (col. 1, lines 39-50; col. 2, lines 10-29; col. 3, lines 44-59); and

transmitting the customer application file in response to the request, wherein the customer application file is created according to a plurality of reusable, application independent software module, (col. 3, lines 44-59; col. 4, lines 50-col. 5, line 15).

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***Regarding claims 28 and 33***, Havens teaches wherein the customer application file is transmitted to an application engine for execution of the customer application file, (col. 3, lines 44-59; col. 4, line 50-col. 5, line 15).

***Regarding claims 29 and 34***, Havens teaches wherein the modules in the transmitting steps receive customer specific data as inputs, (col. 3, lines 44-59; col. 4, line 50-col. 5, line 15).

***Regarding claim 35***, Havens teaches a database configured to store the customer specific data as a file, (col. 3, lines 44-59; col. 4, line 50-col. 5, line 15).

***Regarding claims 30 and 36***, Havens teaches wherein the modules in the transmitting steps are associated with a plurality of primitives relating to call handling, (col. 3, lines 44-59; col. 4, line 50-col. 5, line 15).

***Regarding claims 31 and 37***, Havens teaches wherein a set of the primitives is bundled to support a common function, (col. 3, lines 44-59; col. 4, line 50-col. 5, line 15).

***Regarding claims 38 and 42***, Havens teaches a method and system for supporting an interactive voice response service, (abstract), the method comprising:

generating a customer application file that specifies a call plan in response to an input by a user, (col. 1, lines 39-50; col. 2, lines 10-29), wherein the input corresponds to one of a plurality of reusable, application independent software modules, (col. 3, lines 44-59; col. 4, line 50-col. 5, line 15);

assigning an identifier to the generated customer application file, (col. 4, line 50-col. 5, line 15); and

transmitting the customer application file for execution, (col. 4, lines 6-29).

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**Regarding claims 39 and 43**, Havens teaches providing a graphical user interface for the user to supply the input, (col. 2, lines 10-29).

**Regarding claims 40 and 44**, Havens teaches wherein the modules in the generating step are associated with a plurality of primates relating to call handling, (col. 4, line 50-col. 5, line 15).

**Regarding claims 41 and 45**, Havens teaches wherein a set of the primitives is bundled to support a common function, (col. 4, line 50-col. 5, line 15).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 3,5,6,10,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammarström in view of Pullen et al. US Patent 6,198,813.

**Regarding claims 3 and 10**, while Hammarström teaches of using service-independent building blocks, Hammarström does not specifically teach of defining rules for each set of



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service-independent building blocks, however, it would have been obvious if not inherent that Hammarström would define rules under which the building blocks operates since Hammarström teaches of testing the created service, (col. 2, lines 10-14) and if the system of Hammarström tests the created service then it must determine if the created sequence is a valid sequence of building blocks by looking at the “rules” of each created sequence of building blocks.

Nonetheless, Pullen teaches of defining rules under which the service independent building blocks operate and defining inputs and outputs for each set of service-independent building blocks, (col. 2, lines 44-63; the inputs would be what the customer specified and the outputs would be the executable part).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hammarström by defining rules under which the service-independent building blocks operate as taught by Pullen so that the customer can correctly sequence the building blocks together to create the customer specified service.

***Regarding claims 5 and 12***, while Hammarström, as applied above, teaches of defining customer specific data, Hammarström does not teach of storing customer specific data.

Pullen discloses of a method further comprising the steps of defining a set of customer specific data for use as inputs in the service-independent building blocks during execution (col. 2, lines 44-63) and storing the customer specific data in an advanced network database to create a customer specific data file, (col. 2, lines 44-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hammarström by storing customer specific data as

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taught by Pullen so that the customer data can be retrieved when the customer calls at a later time to access their customized service.

***Regarding claims 6 and 13***, Hammarström, as applied to claims 5 and 12, teaches assigning said customer application file an identification number associated with said customer specific data file, (col. 2, lines 8-10; col. 4, lines 6-10).

***Allowable Subject Matter***

10. Claims 7 and 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The

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examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**OVIDIO ESCALANTE**  
**PATENT EXAMINER**

*Ovidio Escalante*

Ovidio Escalante  
Primary Patent Examiner  
Group 2614  
June 23, 2006

O.E./oe